

OCT 11 2005

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FACSIMILE TRANSMITTAL SHEET

TO: Examiner CHARLES A. MARMOR, II

FIRM/COMPANY: Mail Stop Amendment, Group Art Unit 3736

FACSIMILE NUMBER: 571 273-8300

**CONFIRMATION
TELEPHONE:**

FROM: Ruth Der, Paralegal

DIRECT DIAL: 415.371.2231

DATE: October 11, 2005

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FILE NUMBER: Atty Docket No. R0367-00302, US Serial No. 10/650,027

TOTAL # OF PAGES: 7
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MESSAGE: Attached are *Information Disclosure Statement* and form *PTO-1449*.

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OCT 11 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.For: **ELECTROSURGICAL BIOPSY DEVICE
AND METHOD**

Serial No.: 10/650,027

Filed: August 27, 2003

Atty. Docket No.: R0367-00302

Examiner: Charles A. Marmor, II

Group Art Unit: 3736

TRANSMITTAL**CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8**I hereby certify that this correspondence is being transmitted by facsimile to (571) 273-8300, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Examiner Charles A. Marmor, II on Oct. 11, 2005 in San Francisco, CA.By: Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application are

☒ Information Disclosure Statement; and
☒ Form PTO-1449.

2. Payment of Fees

☒ No fees are due with this communication. However, should the commissioner find otherwise, the Commissioner is authorized to charge the deficiency in fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-00302. **A duplicate copy of this transmittal is enclosed for this purpose.**

Respectfully submitted,

By: Edward J. Lynch
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PATENT

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COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.

Examiner: C. A. Marmor, II

Group Art Unit: 3736

For: ELECTROSURGICAL BIOPSY DEVICE AND
METHOD

Serial No.: 10/650,027

Filed: August 27, 2003

Atty. Docket No.: R0367-00302

**INFORMATION DISCLOSURE
STATEMENT****CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8**

I hereby certify that this correspondence is being transmitted by facsimile to Examiner Charles A. Marmor, II at (571) 273-8300, Mail Stop RCE,
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 10/11/2005, in San Francisco, CA.

By: 

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to bring to the attention of the Patent Office the reference listed on the attached PTO-1449 form and request that they be considered by the Examiner. The majority of the references listed on the attached were cited by or submitted to the Patent Office in copending prior U.S. applications Serial No. 09/159,467, filed September 23, 1998 and Serial No. 09/819,195, filed March 27, 2001.

This information disclosure statement is being filed under 37 C.F.R. §1.97(b)(4); therefore no fees are due with this communication. However, should the Commissioner find otherwise, the Commissioner is authorized to charge the deficiency of fees due and to credit any overpayment under 37 C.F.R. §1.16 and §1.17 to Deposit Account No. 04-1679, referencing Atty. Docket No. R0367-00302.

Respectfully submitted,

By: 

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98 PTO-1449 FORM SHEET 1 OF 3				ATTORNEY DOCKET NO.: R0367-00302		SERIAL NO.: 10/650,027	
				APPLICANTS: Burbank et al.		EXAMINER: C. A. Marmor, II	
				FILING DATE: August 27, 2003		GROUP ART UNIT: 3736	
U.S. PATENT DOCUMENTS							
† EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (if appropriate)	
	*A1	34,056	9/92	Lindgren et al.			
	*A2	2,032,860	3/36	F.C. Wappler et al.			
	*A3	3,805,791	4/74	Seuberth et al.			
	A4	3,844,272	10/74	Banko			
	*A5	3,955,578	5/76	Chamness et al.			
	*A6	4,202,338	5/80	Bitroff			
	*A7	4,243,048	181	Griffin			
	*A8	4,294,254	10/81	Chamness			
	*A9	4,311,143	1/82	Komiya			
	*A10	4,362,160	12/82	Hiltebrandt			
	*A11	4,503,855	3/85	Maslanka			
	*A12	4,565,200	1/86	Cosman			
	*A13	4,576,162	3/86	McCorkle			
	*A14	4,638,802	1/87	Okada			
	*A15	4,718,419	1/88	Okada			
	*A16	4,724,838	2/88	Okada			
	*A17	5,007,908	4/91	Rydell			
	*A18	5,024,617	6/91	Karpiel			
	*A19	5,035,696	7/91	Rydell			
	*A20	5,047,027	9/91	rydell			
	*A21	5,064,424	11/91	Bitroff			
	*A22	5,066,295	11/91	Kozak et al.			
	*A23	5,078,716	1/92	Doll			
	*A24	5,080,660	1/92	Buelna			
	*A25	5,133,359	7/92	Kedem			
	*A26	5,158,561	10/92	Rydell et al.			
	*A27	5,163,938	11/92	Kambara et al.			
	*A28	5,196,007	3/93	Ellman et al.			
	*A29	5,201,732	4/93	Parins et al.			
	*A30	5,201,741	4/93	Dulebohn			
	*A31	5,207,686	5/93	Dolgin			
	*A32	5,224,488	7/93	Neuffer			
	*A33	5,281,218	1/94	Imran			
	*A34	5,312,400	5/94	Bales et al.			
	*A35	5,318,584	6/94	Eggers			
	*A36	5,323,768	6/94	Saito et al.			
	*A37	5,324,288	6/94	Billings et al.			
	*A38	5,335,671	8/94	Clement			
	*A39	5,344,420	9/94	Hilal et al.			
	*A40	5,376,094	12/94	Kline			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98 PTO-1449 FORM SHEET 2 OF 3				ATTORNEY DOCKET NO.:		SERIAL NO.:	
				R0367-00302		10/650,027	
				APPLICANTS: Burbank et al.		EXAMINER: C. A. Marmor, II	
				FILING DATE: August 27, 2003		GROUP ART UNIT: 3736	
U.S. PATENT DOCUMENTS CONT'D							
↑ EX'R INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (If appropriate)	
	*A41	5,380,321	1/95	Yoon			
	*A42	5,395,312	3/95	Desai			
	*A43	5,415,656	5/95	Tihon et al.			
	*A44	5,417,687	5/95				
	*A45	5,417,697	5/95	Wilk et al.			
	*A46	5,423,809	6/95	Klicek			
	*A47	5,423,814	6/95	Zhu et al.			
	*A48	5,431,649	7/95	Muller et al.			
	*A49	5,437,665	8/95	Munro			
	*A50	5,441,503	8/95	Considine et al.			
	*A51	5,462,553	10/95	Dolgin			
	*A52	5,470,308	11/95	Edwards et al.			
	*A53	5,484,436	1/96	Eggers et al.			
	*A54	5,501,654	3/96	Falla et al.			
	*A55	5,526,822	6/96	Burbank et al.			
	*A56	5,542,948	8/96	Weaver et al.			
	*A57	5,611,803	3/97	Heaven et al.			
	*A58	5,643,282	7/97	Kieturakis			
	*A59	5,649,547	7/97	Ritchart et al.			
	*A60	5,665,085	9/97	Nardella			
	*A61	5,674,184	10/97	Hassler, Jr.			
	*A62	5,687,739	11/97	McPherson et al.			
	*A63	5,715,825	2/98	Cowley			
	*A64	5,741,225	4/98	Lax et al.			
	*A65	5,769,086	6/98	Richart et al.			
	*A66	5,782,775	7/98	Milliman et al.			
	*A67	5,794,626	8/98	Kieturakis			
	*A68	5,797,907	8/98	Clement			
	*A69	5,902,272	5/99	Eggers et al.			
	*A70	5,906,640	7/99	Hofmann et al.			
	*A71	5,947,964	9/99	Eggers et al.			
	A72	6,514,248	2/03	Eggers et al.			
	A73	6,689,145	2/04	Lee et al.			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98 PTO-1449 FORM SHEET 3 OF 3				ATTORNEY DOCKET NO.: R0367-00302		SERIAL NO.: 10/650,027	
				APPLICANTS: Burbank et al.		EXAMINER: C. A. Marmor, II	
				FILING DATE: August 27, 2003		GROUP ART UNIT: 3736	

FOREIGN PATENT DOCUMENTS					
† EX'R INITIAL	* REF. #	PATENT NUMBER	DATE (MO/YR)	COUNTRY	TRANSLATION (YES/NO)
	*B1	0472368A2	8/91	EPO	
	*B2	WO 93 13718	7/93	PCT	
	*B3	PCT/GB94/01536	7/94	PCT	
	*B4	95/02371	1/95	PCT	
	*B5	EP 0 667 126 A1	8/95	EPO	
	*B6	DE 19528440A1	8/95	GERMANY	
	*B7	GB2311468A	2/97	GREAT BRITAIN	
	*B8	WO 98/08441	3/98	PCT	
	*B9	WO 00 16697	3/00	PCT	

OTHER DOCUMENTS		
† EX'R INITIAL	* REF. #	Document Description (including Author, Title, Date, Pertinent Pages, Etc.)
	*C1	Stereotactic Breast Biopsy: Its History, Its Present, and Its Future , F. Burbank, M.D., <u>The American Surgeon</u> , February 1996, Vol. 62, pp. 128-150.
	*C2	Percutaneous Biopsy Techniques , Timothy J. Micklos, <u>Manual of Oncologic Therapeutics</u> , (1989/1990), pp. 39-42.
	*C3	Coaxial Core Needle Biopsy Under Mammographic Guidance: Indications and Applications , Whitman et al., <u>AJR</u> :171, July 1998, pp. 67-70
	*C4	Armstrong, J.S. et al., "Differential marking of excision planes in screened breast lesions by organically coloured gelatins [see comments]", <u>Journal of Clinical Pathology</u> , (1990 July), 43(7) 604-7, XP000971447 abstract; tables 1&2.
	*C5	"The Loop Electrode: a New Device for US-Guided Interstitial Tissue Ablation Using Radio Frequency Electrosurgery – An Animal Study", 1996 Blackwell Science Ltd., <i>Min Invas Ther & Allied Technol</i> pp. 5, 511-516.

SIGNATURE	DATE CONSIDERED

† EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609. Line through citation if not in conformance and not considered. Include copy of this form in next communication to applicant.

* If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120. 37 C.F.R. 1.98(d).